

**EXHIBIT 5**

CAUSE NO. 24-07-11639

DUSTIN ETTER, ALLIANCE	§	457 <sup>th</sup> JUDICIAL DISTRICT COURT
ENERGY PARTNERS, LLC, AE	§	
PARTNERS HOLDINGS, INC., AE	§	
PARTNERS HOLDINGS, LLC	§	
AEP ASSET HOLDINGS, LLC,	§	
AND INVICTIS DRILLING	§	
MOTORS, LLC	§	
v.	§	
JEROD P. FURR, CORINA FURR,	§	
ALLIANCE FARM & RANCH, LLC,	§	
AE PARTNERS HOLDINGS, LLC,	§	
AE PARTNERS HOLDINGS, INC.,	§	
ALLIANCE ENERGY PARTNERS, LLC,	§	
AEP ASSET HOLDINGS, LLC, and	§	
INVICTIS DRILLING MOTORS, LLC	§	MONTGOMERY COUNTY, TEXAS

RESPONSE TO PLAINTIFF'S FIRST MOTION TO COMPEL

TO THE HONORABLE VINCENZO J. SANTNI:

Jerod Furr, Corina Furr, Alliance Energy Partners, LLC, AE Partners Holdings, Inc., Alliance Farm & Ranch, LLC, AEP Asset Holdings, LLC, and Invictis Drilling Motors, LLC (collectively "Defendants") file this Response to Plaintiff's First Motion to Compel and show the following:

1. On January 7, 2025, Alliance Farm & Ranch, LLC filed for bankruptcy protection in the United States Bankruptcy Court for the Southern District of Texas under Case Number 25-30155. *See* Notice of Bankruptcy file on January 7, 2025.
2. As the Court is well aware, the filing of bankruptcy by Alliance Farm & Ranch, LLC resulted in all proceedings against it and its property being stayed.
3. Despite that reality, on January 7, 2025, plaintiff's counsel wrote the Court asserting that the bankruptcy of Alliance Farm & Ranch, LLC does not operate

to stay this case or the claims against the other Defendants. *See* Letter to the Court dated January 7, 2025. That is an overly simplistic view of effect of the bankruptcy stay.

4. The crux of plaintiff's claims deals with property belonging to Alliance Farm & Ranch, LLC, being a tract of land located at 5450 Honea Egypt Road, Montgomery, Texas 77356 (the "Property").

5. Plaintiff's Sixth Amended Petition states:

It is specifically asserted that because funds from AE Partners and its affiliates were used to purchase the 5450 Honea Egypt property and that the property should of been bought in the name of one of the AE Partners and its affiliates, a resulting trust does and should exist with respect to said property and/or that the property otherwise belongs in equity and good conscience to one of AE Partners and its affiliates.

In addition and in the alternative, it is asserted that Alliance Farm & Ranch, LLC in its entirety belongs in equity and good conscience to one or more of AE Partners and its affiliates.

*See* Plaintiff's Sixth Amended Petition at 6-7 (emphasis supplied). Further, plaintiff states that his damages include "an award of title and possession of the 5450 Honea Egypt property." *Id.* at 8. There can be no serious question that this case involves ownership of the Property, and the bankruptcy stay precludes this Court from proceeding.

6. Further, Plaintiff's First Motion to Compel shows the Court confirms that the crux of this case is the Property:

At this time, a majority of the misappropriation, amounting to well over \$1,000,000, appears to have gone towards: (a) purchasing and improving the 72 acre property at 5450 Honea Egypt Road, Montgomery, Texas 77316 which was bought in 2022 of which a small

part (part of a shop building) was leased back to the business.

*See Plaintiff's First Motion to Compel at 1 (emphasis supplied).*

7. Filing bankruptcy operates as a stay, applicable to all entities, of:

(a) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;

(b) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(c) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(d) any act to create, perfect, or enforce any lien against property of the estate;

(e) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;

(f) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title;

(g) the setoff of any debt owing to the debtor that arose before the commencement of the case under this title against any claim against the debtor; and

(h) the commencement or continuation of a proceeding before the United States Tax Court concerning a tax liability of a debtor that is a corporation for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title.

11 U.S. Code § 362 (emphasis supplied).

8. Because this case involves plaintiff's attempts to obtain a judgment against Alliance Farm & Ranch, LLC and to take its property, its bankruptcy resulted in the staying of this proceeding. If plaintiff truly believes what he told this Court in its counsel's January 7, 2025 letter, then its remedy is very simple: it should request that the United States Bankruptcy Judge overseeing Alliance Farm & Ranch, LLC's bankruptcy lift the automatic stay.

PRAYER

Defendants respectfully request that in light of the bankruptcy stay, this Court take no action while the automatic stay is in effect, and that the Court grant to them any such other and further relief which they show themselves entitled.

Respectfully submitted,

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HOLDINGS, LLC, AND INVICTIS  
DRILLING MOTORS, LLC



### CERTIFICATE OF SERVICE

This is to certify that the foregoing Response to Motion to Compel was served on January 9, 2025 on the following counsel of record via e-service pursuant to Rules 21 and 21a of the Texas Rules of Civil Procedure:

Noah Meek  
2520 Caroline Street, Second Floor  
Houston, Texas 77004

/s/ Alyssa M. Cuellar  
Alyssa M. Cuellar